

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA *E-FILED - 6/28/07***

KINH TONG,

Plaintiff,

v.

CAPITAL MANAGEMENT SERVICES
GROUP, INC., f/k/a CAPITAL
MANAGEMENT SERVICES, INC., a New
York corporation,

Defendant.

Case No. C07-01026-RMW-HRL

**STIPULATION AND [REPOSED]
ORDER SELECTING ADR PROCESS**

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5.)

Private Process:

- Private ADR (please identify process and provider)

The parties agree to hold the ADR session by:

- the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)
- other requested deadline _____

Dated: May 18, 2007

/s/ Fred W. Schwinn
Attorney for Plaintiff

Dated: May 18, 2007

/s/ Stephen H. Turner
Attorney for Defendant

[REDACTED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- Mediation
- Private ADR

Deadline for ADR session

- 90 days from the date of this order.
- other _____

IT IS SO ORDERED.

Dated: 6/28/07

Ronald M. Whyte
UNITED STATES
DISTRICT/~~MAXIMUS~~JUDGE